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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BOCCIO, VINCENT F

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/840,209	LU, JIN	
	Examiner	Art Unit	
	Vincent F. Boccio	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2621.

Response to Arguments

1. Applicant's arguments filed on 4/28/06 against the amended claims 1-20 have been fully considered but they are not persuasive.

The examiner has reviewed all arguments and fails to find any persuasive arguments.

{A} In re page 6-7, "there is no local broadcasting station ... , as defined by the present invention."

Applicant continues to argue that there is no local broadcast facility, suggests that the examiner read in light of the specification, in response, the local broadcast facility of met in view of the station and the local transmit antenna and in view of the receiver system with the local receive antenna, therefore, local to each other, further also the local broadcast facility also receives data from other sources, remote to the local broadcast facility.

Page 6, "satellite and terrestrial media can deliver IP data to the station. Most of the content is cached on the server where it can be branded and scheduled for broadcast, but, streaming audio or video may be processed for immediate broadcast."

As suggested even the streaming video or audio, as suggested, can be cached, but, could be sent immediately, therefore, acting as a local relay broadcast station.

Also in accord to page 9, "A data inserter can detect the presence of null packets and replace them with packets of data-cast files.", processing a stream of a real time MPEG 2 transport stream, transporting some or all of the data-cast files, when some are sent filtering is accomplished.

Most content is cached or stored locally, thereafter branded and scheduled, therefore initially stored/cached and

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later processed, by branding {a characteristic of a specific kind}, and scheduling {designate a fixed time}.

{B} In re page 7, "tailoring is ... not at the local broadcasting station."

Page 7, "multicasting where portions of the service are tailored to the interest of separate groups with the stations service area, and uni-casting where aspects of the service are targeted to a specific PC user."

Of those skilled in the art, would clearly realize that to tailor to interests, or even target a user's PC, the examiner knows that prior knowledge must be known, to tailor or to target, no other discussion deemed necessary.

Content parameters are deemed related to branding or identifying the data, therefore, upon branding the data can be classified to determine targeting of users, in either unicasting or multi-casting operations, as is clear.

Page 8, "Targeted advertising is an obvious example of these features. Two different people logging into the same data-cast would see their PC bring up different set of advertisements based on the user's individual demographics, purchase history or stated preferences.", but both user's in this case were targeted, therefore, filtered content or tailored content, wherein each of user's PC bring up different sets of datacast files, but, are still deemed targeted by the local broadcasting station, with the user preferences sent back to the local station.

Pages 11-12, "PC eventually does connect to the internet, the data-casting program will be able to report the user's history back to the TV station over the internet, This return data can better gauge the reach of the station's digital advertising and its own viewer-ship than previously possible ..."

Page 13, "data services all in the course of the daily broadcasting schedule. When combined with a strong identity in the local community ... advertisers supported service, these tools provide an opportunity to overtake and surpass the competition for local viewers,"

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{C} In re page 7, argues that the examiner had selected a single phrase within Dureau for user profile and used this single to reject each and every element within claims 1-16.

It is noted that, "Dureau", has not been relied upon for every element of claims 1-16.

Dureau has been relied upon in the alternative rejection under 103, for a teaching of filtering content using a user's profile, uploaded to a broadcasting station.

On the alternative the examiner cites Dureau teaches at page 7, [0063], "User information such as profile data may also be uploaded to the receiver station or the broadcast station for filtering downloads or customizing program content which is displayed on the television.", as taught by Dureau.

Therefore, it would have been obvious to those skilled in the art to modify Motorola integrated data casting solutions by uploading user profiles to the local station and to select or filter contents received from various sources, with the profile and a controller to performing targeting by selecting content based on profiles, to either queue or store the selected blocks to perform group or unicasting to better target the community, based on the decided needs of the community.

The rejection of claims 1-16, is the same as previous, as can be seen, claims 1-16 are not rejection under a 102 rejection alone, see below.

{D} In re page 7, applicant states to establish a prima facie case of obviousness requires,

- 1) suggestion to combine,
- 2) reasonable expectation of success and
- 3) teach all elements.

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The references as applied are deemed to teach all elements, the examiner deems with user profiles for users, sent back to a station (as in Motorola), can be used to filter content from the station back to the user's, a form of targeting, by selecting by filtering content based on profile data uploaded to the broadcasting station (Dureau page 7, cols 1-2, [0063], lines 8-11).

{E} In re page 8, applicant states, "Harriman teach only to transmit a replica of an address pointer for that memory location for each destination of the multicast connection."

In response the examiner cites Harriman col. 4, lines 47-, "If the cell does not require multicast replication, it is passed onto an appropriate one of the unicast output queues 130.", when replication is done, it reduces buffer requirements.

As is clear, if multicast replication is not required than the duplication is not performed, also if duplication of the multicasting data is not required, also is deemed to not perform the replica of an address pointer, but, when duplication is required, this technique would be applied only under these conditions, therefore, the arguments are not deemed persuasive.

It is noted that the examiner has cited other references for queues, but, applicant is non-responsive to the examiner and also has not replied to the question of.

Why would user preferences be provided to the broadcasting station if not for filtering or selecting content from available content in Motorola??????????

Claim Rejections - 35 USC § 102/103

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

or

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16 are rejected under 35 U.S.C. 102(b) as anticipated by **Motorola "Integrated Data-casting Solutions for Digital TV (6/1999)** or, in the alternative, under 35 U.S.C. 103(a), as obvious over Dureau (US 2005/0111823 A1).

Regarding claim 1, Motorola PUB. discloses and meets the limitations associated with a data apparatus comprising:

- a storage medium for storing selected portions of transmitted data cast streams (page 6, "Data Assimilation", cached, content storage and local branding;
- a controller receiving within the local facility receiving a first data cast (pages 6-7, "Input files, Broadcast Server, Scheduling, Content Preparation/Editing", "A vast array of data may be brought in from a variety of media, terrestrial media can be deliver IP data to the station"),
- wherein the controller determines based on branding and user profiles and performs targeting with a processor or controller is based on a user profile (page 5, "USER Profile").

Users can be grouped, sub-grouped even uni-cast, based on (page 7, "multicasting to demographic groups and user profiles", therefore, groups and even sub-groups), and uni-casting by targeting a specific PC users, based on user profiles and demographic, wherein all three types of network session are possible in the same service,

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the filtering is accomplished according to page 11-12, "user's view history back to the TV station over the internet to the local station, wherein system targets either groups, sub-groups even specific users, based on demographic and user profiles.

On the alternative the examiner cites Dureau teaches at page 7, [0063], "User information such as profile data may also be uploaded to the receiver station or the broadcast station for filtering downloads or customizing program content which is displayed on the television.", as taught by Dureau.

Therefore, it would have been obvious to those skilled in the art to modify Motorola integrated data casting solutions by uploading user profiles to the local station and to select or filter contents received from various sources, with the profile and a controller to performing targeting by selecting content based on profiles, to either queue or store the selected blocks to perform group or unicasting to better target the community, based on the decided needs of the community.

The examiner renders inherent to store blocks based on a user specific ID or profile, when targeting or even group casting, associated with branding (providing identifying markings to distinguish content, to thereafter filtering by selecting datacast files, based on branding) and selecting from the caches content and scheduling, prior to transmission, to storage, such as transmission queues prior to transmission of multi-casting data, unicasting data and group casting data in one system, in view of pages 5-12, that based on page 9 to be operable the examiner renders the buffering or queues a required feature to perform the operation of the downstream data inserter to be operable, the examiner believes that the system would not be operable without buffering or queues for transmission content to be injected or inserted into an MPEG transport stream by opportunistic-ly injected, the data where null packets previously existed in the MPEG stream (page 10).

On the alternative the examiner takes official notice that providing queues or placeholders for data-casting, or an order of transmission, operating as such as a FIFO or other type ordering (additional priority considerations), is well known in the art, therefore, it would have been obvious to one skilled in the art at the time of the invention to utilize transmission queues or placeholders in memory, or queue locations or a sequence or an order, for transmitting the multicast data-cast,

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and a subgroup data-cast such as based on demographic data and a uni-cast queue, to one and to utilize a plurality transmission queues to order the transmission, as would have been obvious to and is well known to those skilled in the art.

To support the official notice taken, the examiner had provided multiple references, see final office action, that teach queues for the transmission types, unicasting, group casting, operations.

Regarding claims 2-8, the combination with Motorola further meets the limitations of wherein the system comprises a plurality of end user apparatuses (page 7, "multicasting to demographic groups", which also meets the limitation of wherein the group is met by all, and/or at least one subgroup associated with all, met by demographic groups/groups) and further to multicast to a group or subgroup requires an address unique to the demographic and uni-casting or only by one, wherein uni-casting is targeting which requires a unique address associated with one end user, also page 7, as disclosed.

Claims 9-16 represent the corresponding method claims, associated with the apparatus claims above, are analyzed and discussed with respect to the claims 1-8 above.

It is noted that the claims have been amended to include, "a transmission device within the local broadcast facility configured to transmit the first data cast in accordance with the first content parameter", met by the combination as applied wherein branding identified the content, preferences are used to select or filter from the available content, cached to the local broadcasting station to be scheduled and stored in queues waiting for an opportunistic null packet removal and data insertion, deemed required to have buffer or queued and thereafter, transmission (page 5, see Broadcast Antenna, "DTV TRANSMITTER"), of the transport stream (Figs., of page 9, 10) with data packets inserted opportunistically, by removing null packets.

4. Claims 17-20 are rejected under 35 U.S.C. 102(b) as anticipated by **Motorola "Integrated Data-casting Solutions for Digital TV (6/1999)** or, in the alternative, under 35 U.S.C. 103(a) as obvious over known prior art.

Regarding claims 17-18, Motorola discloses and meets the limitations associated with a TV broadcasting system capable of transmitting data-cast streams to a plurality of storage apparatuses (page 5 and/or page 6 and/or page 7 and/or pages 8-9), the TV broadcasting system comprising:

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a data retrieval and a memory (page 6, memory met by "cached", "content is cached on a server where it can be scheduled for broadcast"), controller capable of accessing a plurality of data sources (page 6, sources met by a source of NEWS, Finance, Sports and Technology into the "INTERNET CLOUD", and other sources, to HUB, "TV station to lunch a sustaining data-cast service ... the station can also seek out additional data through the Internet to augment its data-casts") and retrieving from each of the sources WEB page data (page 6, "Internet", "search the WEB") and wherein the content can be internet content or Web pages, page 4.

Motorola discloses caching prior to broadcasting and meets all the limitations such as groups multicast and subgroups multicast using demographics and even uni-casting

but, fails to particularly disclose or specifically mention, wherein the memory for storing the retrieved WEB page data in

a plurality of transmission QUEUES,

first queues for all apparatuses (multi-casting);

second queues multicast only by selected subgroups of the plurality of storage apparatuses (demographic multi-casting).

The examiner renders inherent to provide transmission queues for multi-casting, unicasting and group casting in view of pages 5-12, that based on page 9 to be operable the examiner renders the buffering or queues a required feature to perform the operation of the downstream data inserter to be operable, the examiner believes that the system would not be operable without buffering or queues for transmission content to be injected or inserted into an MPEG transport stream by opportunistic-ly injected, the data where null packets previously existed in the MPEG stream (page 10).

The examiner takes official notice that providing queues or placeholders for data-casting, or an order of transmission, operating as such as a FIFO or other type ordering (additional priority considerations), is well known in the art, therefore, it would have been obvious to one skilled in the art at the time of the invention to utilize transmission queues or placeholders in memory, or queue locations or a sequence or an order, for transmitting the multicast data-cast, and a subgroup data-cast

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such as based on demographic data and a uni-cast queue, to one and to utilize a plurality transmission queues to order the transmission, as would have been obvious to and is well known to those skilled in the art.

To support the official notice the examiner had provided multiple references, see in the previous final office action.

Regarding claim 19, the combination as applied with Motorola further meets the limitation of wherein the transmission controller based on the combination applied provides for a plurality of queues for the first, second and third transmissions, being multicasting, group or even sub-group multicasting and uni-cast transmission ordering and further Motorola, further discloses wherein according to page 7, the data-casts can have transmitted at predetermined times of the day (page 7, met by assigning start times, also see "files in the user's PC can be undated at predetermined times to keep their contents accurate"), therefore, meeting the limitation at predetermined times of the day.

Regarding claim 20, the combination provides for uni-casting, therefore, to uni-cast the unique ID is an inherent feature to send something specifically to one apparatus or user's PC that is targeted.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Contact Fax Information


Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry,
this Central Fax Number as of 7/15/05

Contact Information

Any inquiry concerning this communication or earlier
communications should be directed to the examiner of
record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00
PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent
7/8/06


VINCENT BOCCIO
PRIMARY EXAMINER